

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

| | | |
|----------------------------|---|--------------------|
| CHRIS REICHERT, |) | CIV. 10-5041-JLV |
| |) | |
| Plaintiff, |) | |
| |) | ORDER OF DISMISSAL |
| vs. |) | WITHOUT PREJUDICE |
| |) | |
| DEPARTMENT OF STATE OFFICE |) | |
| OF PERSONNEL MANAGEMENT, |) | |
| |) | |
| Defendant. |) | |

Plaintiff, appearing *pro se*, filed a complaint (Docket 1) asserting a claim for unfair unemployment practices, improper job coding and discrimination. He also requested permission to proceed *in forma pauperis*. (Docket 2). Even if reviewed liberally because plaintiff appears *pro se*, the complaint, and its attachments, are incomprehensible and fail to identify any potential, valid claim. If plaintiff's claim is one of federal employment discrimination, it must be presented first to the Office of Personnel Management, with the right of appeal to the Merit Systems Protection Board (MSPB). Hunter v. Springer, 216 Fed. Appx. 602, 603 (8th Cir. 2007) (unpublished). Following that process, "petitions for review of MSPB decisions must be filed in [the Court of Appeals for the] Federal Circuit 28 U.S.C. § 1295(a)(9) . . . [the] Federal Circuit has exclusive jurisdiction to

review final orders and decisions of MSPB” Id. This court is without jurisdiction to hear plaintiff’s complaint. Id. Now therefore, it is hereby

ORDERED that plaintiff’s complaint (Docket 1) is dismissed without prejudice.

IT IS FURTHER ORDERED that plaintiff’s motion for leave to proceed *in forma pauperis* (Docket 2) is denied as moot.

Dated July 6, 2010.

BY THE COURT:

/s/ Jeffrey L. Viken

JEFFREY L. VIKEN
UNITED STATES DISTRICT JUDGE